

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date: 10-17-72 by Pltff.

D. C. Form No. 106A Rev.

| TITLE OF CASE   |              | ATTORNEYS   |                        |       |       |
|---|--------------|---|------------------------|-------|-------|
| <p>Charles C. Baker and Dorothy Baker husband and wife and next of friends of Charles C. Baker, Jr., and Lindy Baker, minors, Debbie Henderson, a single person, Herbert Scott, Winfield Scott, Evis and Shirley Harvill, husband and wife, Wayne and Shirley Rake, husband and wife, Roman E. and Carolyn L. Ward, husband and wife, James W. and Marybelle Casebeer, husband and wife Zeddie A. And Audrey Cannon, husband and wife, and all other parties similarly situated along or near Transok Pipeline Company, an Oklahoma Corporation right-of-way transmission pipeline from Ames, Oklahoma, to Oologah, Oklahoma, all within the State of Oklahoma especially located in Washington and Rogers Counties,</p> <p>Plaintiff,</p> <p>vs.</p> <p>Central and South West Corporation, a foreign corporation, doing business in the State of Okla., Public Service Company of Okla., an Okla. Corp., Williams Brothers Engineering Co., a corp. doing business within the State of Okla., R. H. Fulton, Robert L. Lawrence Inc., a foreign corp. doing business within the State P. O. Box 201 of Okla., Panhandle Construction Co., Inc., a foreign corp. doing business within the State of Okla., U.S. Steel Corp., a foreign corp. doing business within the State of Okla., Conam Inspection Co., Inc., doing business within the State of Okla., Moody Engineering Co., a foreign Corp. with principal offices in Pittsburg, Pennsylvania, The Kendall Co., a foreign corp. doing business within the State of Okla., &amp; Transok Pipeline Co., an Okla. Corp.,</p> |              | <p>For plaintiff:</p> <p>Gerald E. Kamins<br/>217 W. 5th St.<br/>Tulsa, Okla. 74103<br/>582-2244</p> <p>For defendant:</p> <p>Jack E. Gordon<br/>Box 767<br/>Claremore, Okla. 74017<br/>266-2681</p> <p>Robert L. Lawrence<br/>State P. O. Box 201<br/>Tulsa, Okla 74102<br/>- For Public Ser. Co. &amp; Transok PL C</p> <p>Bert M. Jones<br/>2900 4th Natl Bank Bldg<br/>Tulsa, Okla 74119 - 582-1173<br/>- for US Steel<br/>Joseph A. Sharp (Kendall)<br/>200 Franklin Bldg, Tulsa<br/>74103</p> |                        |       |       |
| STATISTICAL RECORD  | COSTS        | DATE  | NAME OR RECEIPT NO.    | REC.  | DISB. |
| J.S. 5 mailed 10-1-72   | Clerk        | 9-13-72<br>9-14-72  | J. Gordon<br>C.D.No.12 | 15.00 | 15 00 |
| J.S. 6 mailed 4-1-76  | Marshal      |   |                        |       |       |
| Basis of Action: Money Damages & Injunction.  | Docket fee   |   |                        |       |       |
|   | Witness fees |   |                        |       |       |
| Action arose at:  | Depositions  |   |                        |       |       |

Paul McBride (Panhandle)  
Box 1439  
Tulsa, Oklahoma 74101

Wm. C. Anderson (Paul Mills dt  
Moody Engineering)  
1200 Atlas Life Bldg.  
Tulsa, Okla. 74103

| DATE     | PROCEEDINGS   | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 9-13-72  | Petition for Removal from Dist. Court of Rogers County, Okla., filed. v   |                              |
| 9-13-72  | Bond on Removal in amt. of \$500.00. Principal being R. H. Fulton, Inc., and U.S. Fidelity & Guaranty Co., Maryland, as Surety. Power of Atty. Attached. v                                    |                              |
| 9-13-72  | Notice of Filing, filed. v  |                              |
| 9-13-72  | Answer of R. H. Fulton, Inc., Deft., filed. v   |                              |
| 9-14-72  | Acknowledgment of the Clerk of Dist. Ct. of Rogers County, Okla., of receipt of copy of notice, petition and bond on removal, filed. v  |                              |
| 9-18-72  | Application for extension of time by defendants, Public Service Co. of Oklahoma and Transok Pipeline Co. to 10-3-72, filed. Extension granted by Clerk of Court. ds <i>Copy mailed Remand</i> |                              |
| 9-21-72  | Application of U. S. Steel Corp for extension of time to answer, filed. ds  |                              |
| 9-21-72  | Order allowing U. S. Steel Corp. to 10-3-72 to answer, filed. Granted by Clerk of Court. ds   |                              |
| 9-25-72  | Motion of the Pltf.s, to Remand, filed. v   |                              |
| 9-26-72  | Brief in Support of Pltf.'s Motion to Remand, filed. v  |                              |
| 10-2-72  | Ordered by the Court that the Deft.s are granted 10 days from this date to respond to Pltf.'s Motion to Remand, filed on 9-25-72. (AEB-J)v  |                              |
| 10-3-72  | Motion to dismiss w/brief of def. U. S. Steel Corp., filed. rm  |                              |
| 10-3-72  | Ordered that pltf. is granted 10 days in which to respond to def.'s motion to dismiss. (AEB-J) rm - ltr. written.   |                              |
| 10-3-72  | Motion to dismiss of defs. Public Service and Transok, w/brief in support thereof, filed. rm  |                              |
| 10-3-72  | Ordered that pltf.s. are granted 10 days in which to respond to defs. motion to dismiss. (AEB-J)rm - ltr written  |                              |
| 10-11-72 | Pltfs' application for enlargement of time to reply to defts' motion to dismiss, filed. hm  |                              |
| 10-12-72 | Response of Deft. Panhandle Construction Co. to Pltf.s' Motion to Remand, filed. v  |                              |
| 10-12-72 | Brief in support, filed. v  |                              |
| 10-12-72 | Brief of defendant US.Steel, in opposition to plaintiff's motion to remand, filed. ds   |                              |
| 10-12-72 | Response of defts. Public Service Co. of Okla., Transok Pipeline Co., and Central and South West Corp. to Pltfs' Motion to Remand, filed. r   |                              |

(CONT)

D. C. 110A Rev. Civil Docket Continuation

| DATE     | PROCEEDINGS   | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 10-12-72 | Brief in support of response of Deft.s Public Service Co. of Okla., Transok Pipeline Co., and Central and South West Corp., to Pltf.s' Motion to Remand, filed. r   |                              |
| 10-12-72 | Deft.'s (Central & South West Corp) Motion to Dismiss, filed. r   |                              |
| 10-12-72 | Deft.'s Brief in support of motion to dismiss, filed. r   |                              |
| 10-12-72 | Ordered that pltf. is granted 10 days in which to respond to deft's motion to dismiss. (AEB-J)r -letter written   |                              |
| 10-13-72 | <i>Appl.</i> Motion for time within which to answer brief, filed by R.H. Fulton, Inc., Deft. v -order as part of pldg./all to Judge.  |                              |
| 10-13-72 | <del>Ordered by Court that Pltf. is granted 10 days from this date to respond to Deft., R.H. Fulton's M</del>   |                              |
| 10-13-72 | Order filed granting plaintiff 10 days to respond to def's motion to dismiss. (AEB-J)h  |                              |
| 10-17-72 | Pltf's DEMAND FOR JURY TRIAL, filed. r  |                              |
| 10-17-72 | Order filed that R.H. Fulton, Inc., have 30 days from Oct. 12, to answer motion to remand of plaintiffs. (AEB-J)h   |                              |
| 10-20-72 | Application for leave of court to file amended petition, D. C. of Rogers Co. Okla; further leave of court to file amendment to petition herein, filed. ds - copy to Marilyn   |                              |
| 10-20-72 | Motion of def. Panhandle Const. to dismiss, w/brief in support thereof filed. rm  |                              |
| 10-24-72 | Ordered that pltf.s. are granted 10 days in which to respond to def. Panhandle's mo. to dismiss. (AEB-J)rm - ltr. written   |                              |
| 10-24-72 | Response of pltf.s. to defs.' motions to dismiss, w/brief in support thereof, filed. rm   |                              |
| 10-26-72 | Brief of defts. Pub. Serv. Co. of Okla., Transok Pipeline Co., and Central & Southwest Corp. in response to pltf.s' applic. for leave of court to file amended petition, Dist. Court of Rogers County, State of Okla., further leave of court to file amendment to petition herein, filed. hm |                              |
| 10-26-72 | Response of the Deft. Kendall Co. to Pltf.s' Motion to Remand and Brief in Opposition Thereto, filed. v   |                              |
| 11-21-72 | Motion of defs. Central & SW Corp., Public Service, Transok, and P. Mills dba Moody Eng. to consolidate, with brief in support thereof, filed. rm   |                              |
| 11-21-72 | Ordered that pltf.s. are granted 10 days in which to respond to said defs. motion to consolidate. (AEB-J)rm - ltr written.  |                              |
| 11-22-72 | Reply brief in support of motion to dismiss of defts. Central & South West Corp., Public Service Co. of Okla., & Transok Pipeline Co., filed. hm  |                              |

(over)

| DATE     | PROCEEDINGS  | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 11-22-72 | Deft. R. H. Fulton, Inc., brief in response to pltfs' motion to remand, filed. hm  |                              |
| 11-22-72 | Response of deft. R. H. Fulton, Inc. to pltfs' motion to remand, filed. hm   |                              |
| 11-28-72 | Order consolidating, filed, that motion to consolidate is sustained, and cases 72-C-417, 72-C-335 & this case are consolidated with 72-C-334. (AEB-J)hm (copies mailed)  |                              |
| 3-9-76   | <i>Post all entries to 72-C-334</i><br>Findings of Fact and Conclusions of Law, filed & entered. (AEB-J)k  |                              |
| 3-9-76   | Orders and Judgment of Dismissal, filed & entered. Ordered that: (1) Pltfs' mots. to remand are denied; (2) pltfs' appl. for leave to file amended petition, Dist. Court of Rogers County - Further leave to file Amendment to Petition Herein is sustained; (3) mots. to dismiss of defts. U. S. Steel Corp., Public Service Co. of Okla., Transok Pipeline Co., Central and South West Corp., Panhandle Construction Co., Paul A. Mills, individually, d/b/a Moody Engineering Co., & the Kendall Co., all of which mots. have been adopted by deft. R. H. Fulton, Inc., and which have been considered, by agreement of counsel, as being directed to pltfs' petition, as amended by Amendment to Petition, are sustained; (4) F&R of Mag. are sustained (except as modified herein or in F/F & C/L), and pltfs' objs. to F&R are overruled; and (5) action is dismissed as to all defts. w/ prejudice to re-filing, so long as the Findings and Order of the Corporation Commission of the State of Oklahoma entered in Cause No. 24319, now on appeal in Case No. 45994 before Okla. Supreme Court, remain in full force & effect, and are not altered in any material respect pertaining to the basic findings that the pipeline is safe, properly designed and constructed in substantial compliance w/ applicable safety standards & regulations. (AEB-J)k cps mld |                              |
| 3-15     | Amended Conslusions of Law and Amended Judgment of Dismissal, fld. & ent. (AEB-J)v<br>-cps. mld.   |                              |